

J. Kevin Bird (3992)
Chapter 7 Trustee
384 East 720 South #201
Orem, Utah 84058
(801) 426-4700

* * * * *

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

* * * * *

| | | |
|------------------------|---|--------------------------|
| IN RE |) | |
| |) | Case No. 10-25017 RKM |
| MARRIAH RUTH UDOVICH |) | Chapter 7 |
| VALENTINE DALE UDOVICH |) | |
| |) | TRUSTEE'S APPLICATION TO |
| |) | EMPLOY COUNSEL; AND |
| Debtor(s) |) | DECLARATION OF PROPOSED |
| |) | ATTORNEY |
| |) | |

* * * * *

TO THE HONORABLE R. KIMBALL MOSIER, UNITED STATES BANKRUPTCY
JUDGE:

J. Kevin Bird, the duly appointed, qualified, and acting Trustee of the above-encaptioned bankruptcy proceeding ("Trustee"), hereby applies to the Court, pursuant to the provisions of §327(a) and (d) and Rule 2014 of the Federal Rules of Bankruptcy Procedure, for the entry of an order authorizing the employment of the law firm of BIRD & FUGAL ("law firm") as general counsel for the Trustee. In support of this application, the Trustee represents as follows:

1. The above-referenced bankruptcy proceeding was commenced by the filing of a voluntary petition under Title 11 of the Bankruptcy Code. J. Kevin Bird was appointed as Chapter 7 Trustee and has served in that capacity since the time of his appointment.

2. To perform his duties as Trustee, the applicant requires the services of attorneys for the following purposes:

(a) To advise and consult with applicant concerning legal issues arising in the conduct of the administration of the estate and concerning applicant's legal rights and remedies with regard to the estate's assets and the claims of secured, preferred and unsecured creditors and other parties in interest;

(b) To appear for, prosecute, defend and represent applicant's interest in motions, contested matters and adversary proceedings arising in or related to this case;

(c) To assist in the examination of legal documents, contracts, tax returns and other documents produced by the debtor and creditors; to analyze transfers made by the debtors with an eye to the recovery of preferential transfers and fraudulent conveyances;

(d) To assist in the preparation of such pleadings, motions, notices and orders as are required for the orderly administration of this estate;

(e) To assist in the preparation of various tax returns required to be filed with the respective taxing authorities; and to conduct research and investigation regarding tax issues arising in the administration of the estate;

(f) To review the filing of claims for legal sufficiency and to draft appropriate objections to inappropriate claims, as would be in the best interest of creditors.

3. Facts and circumstances, known to the Trustee at this stage of the administration of the case, justifying the present employment of legal counsel, show the following:

The debtor's Statement and Schedules reflect certain potential preferential transfers which should be investigated by the Trustee and the Trustee requests the assistance of counsel in investigating those matters and, if appropriate, prosecuting resulting adversary proceedings.

4. For the foregoing and all other necessary and proper purposes, the Trustee desires to retain generally the law firm of BIRD & FUGAL, as counsel for the Trustee.

5. Because BIRD & FUGAL has extensive expertise in bankruptcy, corporate reorganizations and debtor/creditor matters, and because of its experience in those fields, applicant feels that the law firm is well qualified to render the foregoing services.

6. The firm which the Trustee seeks to employ is a law firm in which the Trustee is a practicing partner. Pursuant to the provisions of 11 U.S.C. §327(d), the Trustee believes that it is in the best interest of the estate for the Court to authorize the employment of the Trustee's law firm as counsel for the Trustee. After having reviewed the statement and schedules filed in this matter, having examined the debtors at the regularly-scheduled creditors meeting, and considered those legal matters which he anticipates will arise in the administration of this estate, the Trustee believes that the

following advantages and benefits will inure to the estate and its creditors by the employment of the Trustee's law firm as General Counsel:

(a) The firm has extensive experience in the representation of Chapter 7 Trustees specifically and is well familiar with those particular issues which arise in the administration of Chapter 7 cases, including preferences, fraudulent conveyances, Chapter 7 priority issues, analysis and objections to claims in Chapter 7 cases, tax issues regarding Chapter 7 estates, negotiations of sales of assets, and resolution of claims and other causes of action of the estate against third parties. It is the Trustee's belief that utilization of the experience and expertise of this firm in those specific areas greatly outweighs any advantage of the use of an outside firm.

(b) The employment of BIRD & FUGAL will result in efficiency and cost savings which will inure to the estate, including the savings of necessary communication between Trustee and attorneys, and the recognition that the members of this firm are already familiar with the facts and circumstances of this case. It has been the experience of the Trustee that significant savings in incurred attorneys fees occur when the Trustee's firm represents the estate as general counsel rather than employing outside counsel, which often necessitates significant learning time, as well as significant time in communicating between Trustee and counsel.

(c) Many routine matters requiring the assistance of counsel are best handled by the Trustee's law firm, which is most familiar with those procedures and can be handled by the firm quickly and economically.

7. The Trustee and the firm of BIRD & FUGAL have procedures in place to assure that those services performed by the firm, and for which the firm shall seek compensation, be strictly professional legal services and not include any services required of the Trustee in the general administration of the bankruptcy estate which can be effectively and properly performed without the assistance of legal counsel (such as preparation for and examination of the debtor at the creditors' meeting; examination of proofs of claims to eliminate duplicate claims and to compare and analyze claims which may be different than those listed on the schedules; routine examination of the debtor's financial affairs; furnishing information to parties in interest on factual matters; employment and communication with auctioneers, real estate brokers, and other agents; preparation of required reports and accounting for assets received by the estate; preparation of disbursements to creditors; and the preparation of the Trustee's final report).

8. Based upon the Declaration attached hereto, the Trustee believes that the law firm and its members and employees, do not hold or represent any interest adverse to that of your applicant or the debtor estate and that the law firm is a disinterested person within the meaning of 11 U.S.C. §101(13).

9. It is contemplated that attorneys will seek compensation based upon normal and usual hourly billing rates. It is further contemplated that the attorneys will seek interim compensation during the case as permitted by 11 U.S.C. §331.

WHEREFORE, the Trustee prays that he be authorized to employ BIRD & FUGAL, generally, as his attorneys to render services in the areas described above with compensation to be paid as an administrative expense in such amounts as this Court may hereinafter determine and allow.

DATED: June 11, 2010

/s/ J. Kevin Bird
J. Kevin Bird, Trustee

Declaration of J. Kevin Bird

I, J. Kevin Bird, declare:

1. I am an attorney duly admitted to practice before this Court as well as all courts of this state.

2. I am a member of BIRD & FUGAL, the law firm that the Trustee is seeking to employ generally by the Application to which this Declaration is attached. All of the members of this law firm are similarly duly admitted to practice in this state and before this court.

3. I am also the Trustee of the above-referenced bankruptcy proceeding. After having reviewed the statement and schedules filed in this matter, having examined the debtors at the regularly-scheduled creditors meeting, and considered those legal matters which I anticipate will arise in the administration of this estate, I believe that it is in the best interest of the estate, within the meaning of 11 U.S.C. §327(d), for the employment of my law firm to act as attorneys for the Trustee. That determination was made based on the expertise and experience of the firm in representing Chapter 7 Trustees, the efficiency and cost savings which will inure to the estate, savings of necessary communication between Trustee and attorneys, and recognition that the members of this firm are already familiar with the facts and circumstances of this case.

4. The law firm of BIRD & FUGAL has extensive knowledge and experience in bankruptcy, insolvency, corporate reorganization and debtor/creditor law. The firm is well qualified to represent the Trustee generally herein, and is willing to accept employment on the basis set forth in the annexed application.

4. While acknowledging any connections or representations of interests as set forth below, if any, the Trustee is not aware of any connections or representations which are materially adverse to the interests of the estate or of any class of creditors or equity security holders, as described by Bankruptcy Rule 2014(a). Thus, the Trustee believes that BIRD & FUGAL is a "disinterested person" within the meaning of 11 U.S.C. §§101(13) and 327.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11 June 2010.

By: /s/ J. Kevin Bird
J. Kevin Bird

CERTIFICATE OF SERVICE

I hereby certify that on the 11 June 2010, the following were either notified by electronic notification or I mailed, postage pre-paid, true, accurate and correct copy of the foregoing Trustee's Application to Employ Counsel; and Declaration of Proposed Attorney, to the following:

OFFICE OF U.S. TRUSTEE

ELECTRONIC NOTIFICATION

MARRIAH RUTH UDOVICH
VALENTINE DALE UDOVICH
301 SOUTH 700 WEST
VERNAL, UT 84078-2450

/s/ Melanie Valderrama